

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Revenue Department – Allegation of corruption against Sri D.V.R.N.Chary, Mandal Revenue Officer (Retired) Accused Officer-1 and Sri A.Manohar, formerly Mandal Revenue Inspector (Accused Officer-2) retired as Deputy Tahsildar, Vailpur, Nizamabad District – Prosecution sanctioned - convicted – Both Accused Officers filed Criminal Appeals before the Hon’ble High Court – Hon’ble High Court acquitted both the Accused Officers – Permitted the Anti Corruption Bureau to file SLP – Accused Officers filed representations for sanction of pension / pensionary benefits duly regularizing the period of suspension as “on duty” – Orders – Issued.

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**REVENUE (VIGILANCE-VI) DEPARTMENT**

**G.O.Ms.No.164.**

Dated: 06.05.2014.

Read the following:-

1. DG, ACB Lr.Rc.No.118/RCT-NZB/94, dated: 06.04.1999.
2. G.O.Ms.No.202, Revenue (Ser.III) Department, dated: 19.04.1995.
3. G.O.Ms.No.203, Revenue (Ser.III) Department, dated: 19.04.1995.
4. Judgment dated: 28.06.1995 of Prl.Spl.Judge for SPE & ACB cases, City Civil Court, Hyderabad in CC.No.12 of 1995.
5. G.O.Ms.No.2114, Revenue (Vig.VI) Department, dated: 06.12.2005.
6. Govt., Memo.No.4366/Vig.VI (2)/2001, dated: 06.12.2005.
7. Order of APAT in OA.No.8647/2005, dated: 06.01.2006.
8. Collector, Nizamabad Lr.No.A3/5597/94, dated: 28.04.2006.
9. Judgment of APAT in OA.No.8647/2005, dated: 24.11.2006.
10. Judgment of APAT in OA.No.1722/2006, dated: 09.09.2008.
11. Criminal Appeal Nos.1045/05 & 1048/05 filed before the Hon’ble High Court of AP., Hyderabad.
12. G.O.Ms.No.1208, Revenue (Vig.VI) Department, dated: 20.10.2008.
13. Representation of Sri A.Manohar, Sr.Asst., dated: 15.07.2013.
14. Judgment of Hon’ble High Court in CrI.Appeal Nos.1045/2005 & 1048/2005, dated: 23.04.2013.
15. DG, ACB Lr.No.118/RCT-NZB/1994, dated: 19.08.2013.
16. Repn., of Sri D.V.R.N.Chary, MRO (Retired) dated: 27.08.2013.
17. Govt., Memo.No.4366/Vig.VI (2)/2001, dated: 06.03.2014.

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**ORDER:**

In the references 2<sup>nd</sup> and 3<sup>rd</sup> read above, Government have issued prosecution sanction orders against D.V.R.N.Chary, Mandal Revenue Officer (Accused Officer-1), Vailpur (Mandal), Nizamabad District & Sri A.Manohar, Mandal Revenue Inspector (Accused Officer-2), Office of the Mandal Revenue Officer, Vailpur (Mandal), Nizamabad District on the allegation of corruption for the offences punishable under section 7 and clause (d) of sub-section (1) of section 13 read with sub-section (2) of section 13 of the Prevention of Corruption Act, 1988.

2. In the reference 4<sup>th</sup> read above, the Principal Special Judge for SPE & ACB cases, City Civil Court, Hyderabad have pronounced judgment stating that both the Accused Officers found guilty of the charges framed against them under section 7 of the Act and also under section 13 (1) (d) punishable under section 13 (2) of the Act, read with Section 34 IPC and consequently, they are convicted under section -248 (2) of Cr.P.C.

3. In the references 5<sup>th</sup> read above, Government have issued orders dismissing Accused Officer-2 i.e., Sri A.Manohar, former Mandal Revenue Inspector from the service and in the reference 6<sup>th</sup> read above, Government have issued Show Cause Notice to Accused Officer-1 i.e., Sri D.V.R.N.Chary, Mandal Revenue Officer (Retired) with a direction to show cause as to why action should not be taken against him under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 and why a punishment of withholding both gratuity and pension in full permanently cannot be imposed.

4. In the reference 8<sup>th</sup> read above, the District Collector, Nizamabad have informed that the Accused Officer-2 Sri A.Manohar, Senior Assistant have filed an appeal before the Andhra Pradesh Administrative Tribunal in OA.No.8647/2005 and the Andhra Pradesh Administrative Tribunal in its orders dated 06.01.2006 have suspended the dismissal orders issued against Accused Officer-2. The District Collector, Nizamabad has informed that the Special Collector,

SRSP, Hyderabad have admitted Sri A.Manohar, Senior Assistant to join into duty as per the above orders of Andhra Pradesh Administrative Tribunal.

5. And whereas, the Accused Officer-1 Sri D.V.R.N.Chary, Mandal Revenue Officer (Retired) has filed OA.No.1722/2006 in the Andhra Pradesh Administrative Tribunal against the Show Cause Notice issued against him. The Andhra Pradesh Administrative Tribunal have pronounced the judgment on 09.09.2008 dismissing the OA. Accordingly, Government have issued orders imposing punishment of withholding of entire pension and gratuity permanently against Sri D.V.R.N.Chary, Mandal Revenue Officer (Retired).

6. In the reference 11<sup>th</sup> read above, the Hon'ble High Court have pronounced the judgment dated 23.04.2013 in the Criminal Appeal Nos.1045/2005 & 1048/2005 filed by both the Accused Officers stating that both the criminal appeals are allowed setting aside the impugned judgment and found that they are not guilty of the offences and acquitted of the charges.

7. In the reference 13<sup>th</sup> read above Sri A.Manohar, Senior Assistant, while enclosing the copy of judgment in the Criminal Appeals have requested the Government to issue orders duly dropping further action in view of the acquittal from the convictions and to regularise the suspension period as "on duty" and to release the subsequent emoluments.

8. In the reference 16<sup>th</sup> read above, Sri D.V.R.N.Chary, Mandal Revenue Officer (Retired) have requested the Government to release pensionary benefits and to settle the period of suspension in view of the Hon'ble High Court judgment in the Criminal Appeals.

9. In the reference 15<sup>th</sup> read above, the Director General, Anti Corruption Bureau have opined that it is a fit case to file SLP before the Supreme Court of India against the common acquittal judgment in the Criminal Appeal Nos.1045/2005 & 1048/2005 and requested the Government to issue permission to file SLP.

10. In the reference 17<sup>th</sup> read above, Government after detailed examination of the proposal of the Director General, Anti Corruption Bureau, have permitted the Director General, Anti Corruption Bureau to file SLP in the Supreme Court of India.

11. Further, Government after examining the representations of the Accused Officers in detail and keeping in view, the orders of High Court in the Criminal Appeals filed by both the Accused Officers, have decided and hereby order to release the pension / Pensionary benefits duly regularizing the suspension period as "on duty" of both the Accused Officers i.e., D.V.R.N.Chary, Mandal Revenue Officer (Accused Officer-1) (Retired), Vailpur (Mandal), Nizamabad District & Sri A.Manohar, Senior Assistant (Accused Officer-2) (Retired), Office of the Special Collector, LA, SRSP, SSP & JCRGLIP, Tarnaka, Hyderabad subject to outcome of SLP.

12. The Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad / District Collector, Nizamabad shall take necessary action in the matter under intimation to Government.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.P.SINGH**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**To**  
The Special Chief Secretary &  
Chief Commissioner of Land Administration, Hyderabad.  
The District Collector, Nizamabad.  
The Individuals.  
(through the District Collector, Nizamabad District)

**Copy to:**  
The Secretary to Vigilance Commissioner,  
Andhra Pradesh Vigilance Commission, Hyderabad.  
The Director General, Anti Corruption Bureau, Hyderabad.  
SF/SC.

// FORWARDED :: BY ORDER //

**SECTION OFFICER**